

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

MERIAL LIMITED and  
MERIAL S.A.S.,

Plaintiffs and Counterclaim-Defendants,

v.

VELCERA, INC. and FIDOPHARM,  
INC.,

Defendants and Counterclaim-Plaintiffs.

Case No. 3:11-cv-00157-CDL

**DEFENDANTS AND COUNTERCLAIM-PLAINTIFFS' NOTICE OF INTENT  
TO RESPOND TO EMERGENCY MOTION TO AMEND SCHEDULING  
ORDER AS TO EXPERT REPORT DEADLINES**

Velcera, Inc. and Fidopharm, Inc. (collectively, "Velcera") respectfully wish to advise the Court of their intent to respond to the March 7, 2012, Emergency Motion To Amend Scheduling Order As To Expert Report Deadlines [Doc. No. 34] filed by Merial Limited and Merial S.A.S. (collectively, "Merial"). Merial's so-called emergency motion inaccurately portrays Velcera's positions as to Merial's requested discovery extension and the status of discovery as it relates to the need to enter an appropriate protective order. Velcera's response will also include a motion to extend the overall discovery schedule to accommodate for the extension Merial is seeking. This is not horse-trading as Merial suggests, but simply Velcera's effort to ensure that it has fair and adequate time for discovery. Nor has Velcera been an impediment to the progress of discovery. Velcera has consistently acted in good faith to move this case, including, but not limited to, its entirely reasonable response to Merial's requested extension.

Velcera intends to file its response no later than tomorrow, March 9, 2012. As Merial is aware, Velcera's lead counsel is out of town on vacation. Lead counsel is travelling today and will be back in the office tomorrow.

Respectfully submitted, this 8<sup>th</sup> day of March, 2012.

PAGE, SCRANTOM, SPROUSE,  
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By:/s/ Thomas F. Gristina

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**CERTIFICATE OF SERVICE**

I do hereby certify that I am counsel for Defendants and Counterclaim-Plaintiffs and that on this date, I filed the foregoing document, DEFENDANTS' AND COUNTERCLAIM-PLAINTIFFS' NOTICE OF INTENT TO RESPOND TO EMERGENCY MOTION TO AMEND SCHEDULING ORDER AS TO EXPERT REPORT DEADLINES, using the CM/ECF system, which will automatically send notification of such filing

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This 8<sup>th</sup> day of March, 2012.

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